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**MEMO ENDORSED**

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October 21, 2015

Hon. Valerie Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, New York 10007

Re: UTC Associates Inc. v. Glowpoint Inc., Case No. 15-cv-05795

Dear Judge Caproni:

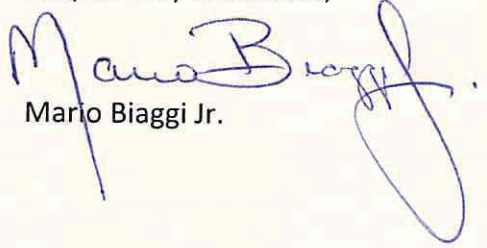
I am writing this letter after a conference call with defense counsel and your court clerk. It concerns the filing of plaintiff's amended complaint in accordance with Section 3E(i) of your Court's Local Rules. Defendant moved to dismiss plaintiff's original complaint on September 22, 2015. Plaintiff was thus required to either submit opposition to defendants' motion or file an amended complaint by October 13, 2015.

On October 13, 2015 I electronically filed plaintiff's amended complaint. The complaint was rejected the next day, however, because I mistakenly pressed one button in error. I immediately corrected that error and resubmitted the complaint on October 14<sup>th</sup>. After my October 14<sup>th</sup> submission I received another electronic notice stating that the pleading was deficient because it was beyond the 21<sup>st</sup> day after defendant's motion to dismiss. When I called the ECF help desk, I was informed that this often happens and that I should contact Your Honor so that your chambers could advise the clerk to accept the amended complaint.

I spoke with my adversary who has no objection to the Court's acceptance of the amended complaint and we called your Court. Your clerk assigned to this matter requested that I memorialize my request in writing so that the acceptance of the amended complaint can be so ordered.

Accordingly, I herein move for this Court to accept the amended complaint electronically filed on October 14<sup>th</sup>.

Respectfully submitted,

  
Mario Biaggi Jr.

Cc: Clark A. Freeman Esq.

Request GRANTED. The Clerk of Court is respectfully directed to accept the Plaintiff's Amended Complaint, as filed at Docket Entry 23, and to close, as moot, the open motion at Docket Entry No. 15.

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

October 22, 2015